

### **REMARKS**

This responds to the Office Action mailed on July 12, 2007.

Claims 73-112 are canceled, claims 1-72 are now pending in this application. Applicants reserve the right to prosecute the canceled claims in another application while claiming the priority of the present application. No new matter has been added.

#### **Declaration and Power of Attorney**

A new oath or declaration was required in compliance with 37 C.F.R. 1.67(a). In response to the examiner's request to correct the defective declarations, new declarations are in the process of being generated and will be submitted in a separate cover.

#### **Specification Objections**

Paragraphs 0013, 0016, 0036, 0039 and 0041 were objected to because they contain embedded hyperlinks and/or other form of browser-executable codes. These paragraphs have been amended to address the objection.

The abstract is objected to. The abstract has been amended to address the objection.

Applicants submit that the objections have been overcome.

#### **§ 102 Rejection of the Claims**

Claims 1-3, 19-21, 37-39 and 55-57 were rejected under 35 U.S.C. § 102(e) for anticipation by U.S. Patent Application No. 2003/0046437 to Eytchison et al ("Eytchinson").

Claim 1 recites in part:

"transmitting data between dissimilar communication devices, wherein said dissimilar communication devices communicate through a common interface that operates on said dissimilar communication devices in accordance with aspects of said dissimilar communication devices that have been abstracted." (Emphasis added.)

Eytchinson teaches a content-centric network that includes a device abstraction layer (DAL) which communicates with each of the electronic devices using the device native

communication protocols. The electronic devices communicate with the network and each other using a variety of protocols (i.e., HAVi, UPnP, XML, or others). The DAL encapsulates a variety of device and network protocols which enable the DAL to communicate with any device on the network regardless of the device communication protocol. The DAL presents a unified communication interface to a content abstraction program interface (CAPI) which enables the CAPI to communicate with the networked devices. Eytchinson then teaches a graphical user interface (GUI) that may be used with the CAPI to display content services available from the networked devices. (Figure 2, DAL 210, electronic devices 101-105, device native communication protocols 201-206, CAPI 220; Abstract; Paragraphs 33-34) An example of the GUI taught by Eytchinson is a navigator interface illustrated in Figures 8A-8C.

Thus, Eytchinson teaches the DAL and its common communication interface to operate externally from the electronic devices. (Figures 2-5)

Applicants submit that this is different from the limitations as claimed in claim 1. More specifically, applicants submit that Eytchinson fails to teach “wherein said dissimilar communication devices communicate through a common interface that operates on said dissimilar communication devices in accordance with aspects of said dissimilar communication devices that have been abstracted.” (Emphasis added.)

### *§ 103 Rejection of the Claims*

Claims 1-5, 8, 17-18, 19-23, 26, 35-36, 37-41, 44, 53-54, 55-59, 62, and 71-72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,853,637 to Norrell et al. (“Norrell”) in view of Eytchison.

The Examiner admits on page 6, first paragraph of the Office Action that Norrell does not teach the devices as abstracted. The Examiner, however, stated that Eytchison teaches the device abstraction concept. Applicants disagree that the combination of Norrell and Eytchison teaches the limitations as claimed in claim 1 and in the remaining pending claims.

Applicants submit that, even though Eytchison teaches having a device abstraction layer (DAL), Eytchison specifically teaches the DAL to be external to the electronic devices. (Abstract; Figures 2-5; Paragraphs 33-34) As such Eytchison teaches away from the limitations as claimed in claim 1 and in the remaining pending claims.

Applicants submit that the 103 rejection has been overcome, and independent claim 1 and its corresponding dependent claims are patentable over Norrell in view of Eytchison.

Applicants submit that, at least for the same reason, independent claims 19, 37 and 55 and their corresponding dependent claims are also patentable over Norrell in view of Eytchison.

#### *Reservation of Rights*

In the interest of clarity and brevity, Applicants may not have equally addressed every assertion made in the Office Action; however, this does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4059 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
408-278-4059

Date December 12, 2007

By /David N. Tran/  
David N. Tran  
Reg. No. 50,804

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12<sup>th</sup> day of December 2007.

Jonathan Ferguson  
Name

/ Jonathan Ferguson /  
Signature